

PATENT

HILB/723C1  
Confirmation No. 5763CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (3 total pages) are being transmitted via facsimile transmission to Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-305-8007 on March 14, 2005.

Judith L. Volk

Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bradley Jade Dickey et al.

Art Unit: 3621

Serial No.: 10/021,665

Examiner: Cristina O. Sherr

Filed: December 7, 2001

Atty. Docket No.: HILB/723C1

For: PET CARE PRODUCTS AND METHOD OF PROVIDING PET CARE  
PRODUCTS, SERVICES AND INFORMATIONREQUEST FOR REFUND

Mail Stop 16  
Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is for the purpose of requesting a refund of \$120.00 for the inappropriate charges to Applicants' representative's Deposit Account 23-3000 on February 17, 2005 for a one-month extension of time fee levied in connection with Applicants' filing of a Response to Notice of Non-Compliant Amendment. This request is based upon the following:

Applicants timely filed an Amendment and Response on November 24, 2004 via facsimile transmission in response to the non-final Office Action mailed by the Office on August 25, 2004. Applicants received a Notice of Non-Compliant Amendment mailed by the Office on December 6, 2004 and timely filed a revised "Amendments to the Claims" section of the November 24, 2004 response via facsimile transmission on January 6, 2005.

## WOOD, HERRON &amp; EVANS, L.L.P.

BRUCE TITTEL  
 DONALD F. FREI  
 DAVID J. JOSEPHIC  
 DAVID S. STALLARD  
 J. ROBERT CHAMBERS  
 GREGORY J. LUNN  
 KURT L. GROSSMAN  
 CLEMENT H. LUKEN, JR.  
 THOMAS J. BURGER  
 GREGORY F. AHRENS  
 WAYNE L. JACOBS  
 KURT A. SUMME  
 KEVIN G. ROONEY  
 KEITH R. HAUPP  
 THEODORE R. REMAKLUS  
 THOMAS W. HUMPHREY  
 SCOTT A. STINEBRUNER  
 DAVID H. BRINKMAN  
 BEVERLY A. LYMAN, PH.D.  
 KRISTI L. DAVIDSON

2700 CAREW TOWER  
 441 VINE STREET  
 CINCINNATI, OHIO 45202-2917  
 TELEPHONE: 513-241-2324  
 FACSIMILE: 513-241-6234  
 WEBSITE: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION

EDMUND P. WOOD	1923-1968
TRUMAN A. HERRON	1935-1976
EDWARD B. EVANS	1938-1971

JOSEPH R. JORDAN  
 C. RICHARD EBY  
 DAVID E. PRITCHARD

KATHRYN E. SMITH  
 P. ANDREW BLATT, Ph.D.  
 DAVID E. JEFFERIES  
 WILLIAM R. ALLEN, Ph.D.  
 JOHN PAUL DAVIS  
 DOUGLAS A. SCHOLER  
 BRETT A. SCHATZ  
 DAVID W. DORTON  
 SARAH OTTE GRABER  
 STEVEN W. BENINTENDI, Ph.D.  
 RANDALL S. JACKSON, JR.

OF COUNSEL  
 JOHN D. POFFENBERGER  
 THOMAS W. FLYNN  
 J. DWIGHT POFFENBERGER, JR.

March 14, 2005

## FACSIMILE COVER SHEET

To: Mail Stop 16  
 Director of the US Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22213-1450

Fax: 703-305-8007

Enclosures:  
 Fax Cover Sheet containing Certificate of  
 Facsimile Transmission (1 page)  
 Request for Refund containing Certificate of  
 Facsimile Transmission (2 pages)

From: Douglas A. Scholer  
 Reg. No. 52,197

Re: U.S. Patent Application  
 Serial No. 10/021,665  
 Filed: December 7, 2001  
 Applicant: Bradley Dickey  
 Art Unit: 3621  
 Confirmation No.: 5763  
 Our Ref: HILB/723C1

Pages: 3 (including cover sheet)

MESSAGE/COMMENTS  
OFFICIALCERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (3 total pages, including cover sheet) are being transmitted via facsimile transmission to Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on March 14, 2005.

*Judith L. Volk*  
 Judith L. Volk

*March 14, 2005*

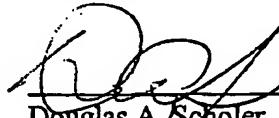
Date

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

Applicants assert that, since the filing of the Response of January 6, 2005 was within the one-month period for response to the above-mentioned Notice of Non-Compliant Amendment, no extension of time fees should be due. Applicants therefore respectfully request a refund of the \$120.00 charged by the Office for one-month extension of time fees. The refund may be made either via check made payable to Applicants' representatives, or via a credit to Deposit Account 23-3000, whichever is most convenient for the Office.

If there are any questions regarding this paper, please contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,



3/14/05

Date

Douglas A. Scholer  
Reg. No. 52,197  
WOOD, HERRON & EVANS, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
(513)241-2324

JAN 06 2005 13:35

513 241 6234

RECEIVED  
CENTRAL FAX CENTER

513 241 6234 P.82

JAN 06 2005

PATENT

Confirmation No. 5763

I hereby certify that this correspondence and the enclosure noted herein [10 total pages, including cover sheet] are being transmitted via facsimile transmission to Examiner Christina O. Sherr, Group Art Unit 3621, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-672-5005 on January 6, 2005.

Judith L. Volk

January 6, 2005

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bradley Jade Dickey et al.  
Application No.: 10/021,665  
Filed: December 7, 2001  
Group Art Unit: 3621  
Examiner: Christina O. Sherr  
For: PET CARE PRODUCTS AND METHOD OF PROVIDING PET CARE  
PRODUCTS, SERVICES AND INFORMATION  
Atty Docket No.: HILB/723C1

Cincinnati, Ohio 45202

January 6, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

In response to the Notice of Non-Compliant Amendment mailed December 6, 2004, enclosed is a revised "Amendments to the Claims" section (pages 2-8) of the Amendment filed on November 24, 2004 to replace the one originally filed.

Applicants do not believe that any fees are due in connection with this

2/17/2005 LLITTLE 00000005 233000 10021665  
response. However, if such petition is due or any fees are necessary, the Commissioner may  
1 FC:1251 120.00 DA

Adjustment Date: 04/20/2005 SDIRETA1  
02/17/2005 LLITTLE 00000005 233000 10021665  
01 FC:1251 120.00 CR

Page 1 of 2